

BILL NO. Z-87- 10-07

ZONING MAP ORDINANCE NO. Z- 28-87

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. O-27.

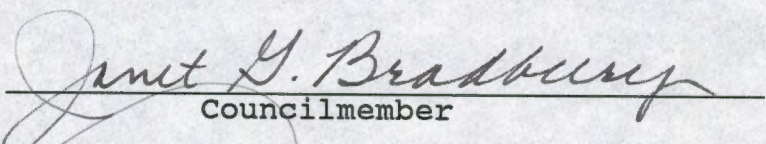
BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is
hereby designated a R-3 (Multi-Family Residential) District
under the terms of Chapter 33 of the Code of the City of
Fort Wayne, Indiana of 1974:

Lots 21, 22, 23, and 24 in Southdale Park Addition to
the City of Fort Wayne, Allen County, Indiana,
according to the recorded Plat thereof,

and the symbols of the City of Fort Wayne Zoning Map No.
O-27, as established by Section 11 of Chapter 33 of the Code
of the City of Fort Wayne, Indiana are hereby changed
accordingly.

SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage and approval by the
Mayor.


Councilmember

APPROVED AS TO FORM AND LEGALITY:


BRUCE O. BOXBERGER, CITY ATTORNEY

Read the first time in full and on motion by Bradbury
seconded by Redd, and duly adopted, read the second time
by title and referred to the Committee Regulation (and the
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort W
Indiana, on _____, the _____ day of _____
_____, 19____, at _____ o'clock _____ .M.

DATE: 10-12-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury
seconded by Redd, and duly adopted, placed on i
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>7</u>	<u> </u>	<u> </u>	<u>2</u>	<u> </u>
<u>BRADBURY</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>BURNS</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>EISBART</u>	<u> </u>	<u> </u>	<u> </u>	<u>✓</u>	<u> </u>
<u>GiaQUINTA</u>	<u> </u>	<u> </u>	<u> </u>	<u>✓</u>	<u> </u>
<u>HENRY</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>REDD</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>SCHMIDT</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>STIER</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>TALARICO</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

DATE: 11-24-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. 3-28-87
on the 24th day of November, 1987

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Mark E. GiaQuinta
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana
on the 4th day of December, 1987
at the hour of 10:00 o'clock A. .M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 4th day of December
1987, at the hour of 1:30 o'clock P. .M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

RECEIPT

CL# 4564

No 2734

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., Sept 18 1987

RECEIVED FROM Frank Turskew \$ 50⁰⁰

THE SUM OF Fifty Dollars ⁰⁰ DOLLARS

ON ACCOUNT OF Reopening Filing Fee 6814 J. Anthony

Harry B. B.
AUTHORIZED SIGNATURE

RECEIPT NO. _____

THIS IS TO BE FILED IN DUPLICATE

DATE FILED _____

INTENDED USE _____

I/We Fort Miami Post No. 10006 Veterans of Foreign Wars of the United States, Inc.

(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R-A District to a/an R-3 District the property described as follows:

Lots 21, 22, 23, and 24 in Southdale Park Addition to the City of Fort Wayne, Allen County, Indiana, according to the recorded Plat thereof.

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

6814 S. Anthony Boulevard, Fort Wayne, IN 46816

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Fort Miami Post No. 10006
Veterans of Foreign Wars of the
United States, Inc.

6814 S. Anthony Blvd.
Fort Wayne, IN 46816

BY: Richard E. Ensley
Judge Advocate

(Name)

(Address)

Richard E. Ensley
(Signature)
Judge Advocate

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

Frederick R. Tourkow, Attorney
(Name)

814 Anthony Wayne Building
Fort Wayne, IN 46802

(Address & Zip Code)

426-0545

(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on October 13, 1987 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-87-10-07; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on October 19, 1987.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

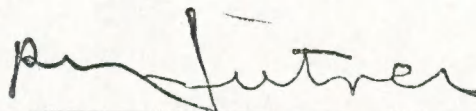
(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held October 19, 1987.

Certified and signed this
29th day of October 1987.



Robert Hutner
Secretary

ORIGINAL

Admn. Appr. _____

COUNCILMANIC DISTRICT No. _____

DIGEST SHEET

ORIGINAL

TITLE OF ORDINANCE _____ Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE _____ Land Use Management - CD&P

SYNOPSIS OF ORDINANCE _____ 6814 So Anthony B1

3-87-10-07

EFFECT OF PASSAGE _____ Property is presently zoned RA - Suburban Residential District
Property will become R-3 - Multi Family Residential.

EFFECT OF NON-PASSAGE _____ Property will remain RA - Suburban Residential District.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____

FACT SHEET

Z-87-10-07

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE

Zoning Ordinance Amendment

APPROVAL DEADLINE**REASON**

From RA to R-3

DETAILS**Specific Location and/or Address**

6814 So Anthony Bl

Reason for Project

To allow for expansion of parking lot
for VFW Post #1006

Discussion (Including relationship to other Council actions)19 October 1987 - Public Hearing

See Attached Minutes of Meeting

26 October 1987 - Business Meeting

Motion was made to return the ordinance to
the Common Council with a DO NOT PASS
recommendation, motion carried..

Of the eight (8) members present 7 voted in
favor of denial one (1) did not vote.

The Commission felt that a rezoning at this
time was not needed due to the fact that
the expansion of the parking lot could be
accomplished through a "Contingent Use"
from the Board of Zoning Appeals. If at a
later date they intended to expand the
building they could then apply for a
rezoning at that time.

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents**Applicant(s)
VFW Post #1006

City Department

Other

OpponentsGroups or Individuals
Chas Kressley/1706 Southdale
Fred Gideon/1613 Gardendale**Basis of Opposition**

-opposed to further expansion
-felt R-3 zoning a detriment
to area

**Staff
Recommendation**☒ For ☐ Against

Reason Against

**Board or
Commission
Recommendation**

By

☐ For ☒ Against
☐ No Action Taken☐ For with revisions to conditions
(See Details column for conditions)**CITY COUNCIL
ACTIONS
(For Council
use only)**

<input type="checkbox"/> Pass	<input type="checkbox"/> Other
<input type="checkbox"/> Pass (as amended)	<input type="checkbox"/> Hold
<input type="checkbox"/> Council Sub.	<input type="checkbox"/> Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

Date 18 September 1987

Projected Completion or Occupancy

Date 29 October 1987

Fact Sheet Prepared by
Patricia Biancaniello

Date 29 October 1987

Reviewed by
Gary Butler
Reference or Case Number

Date 10/30/87

- d. Bill No. Z-87-10-07 - Change of Zone #302
From RA to R-3
6814 So Anthony Blvd

Fred Tourkow, attorney representing Fort Miami Post #1006 of the Veterans of Foreign Wars of the United States, appeared before the Commission. Mr. Tourkow stated that presently the post home is on Lot 19 and there is parking lot on 19 and 20 and they seek to extend this parking to the other lots that they own. He stated that presently they only intend to expand parking but they are requesting that all of Lots 21, 22, 23 and 24 on South Anthony be rezoned for future expansion of the post. He stated that the area has been improved by the Post as the Post has grown. He stated that there is presently a small commercial

building on Lot 23 which was there when it was purchased, it constitutes a non-conforming use. He stated they do not use it they rent it out for the same purpose that it was used for at the time it was purchased.

Yvonne Stam questioned if it was the plan to increase the size of parking and if so were they going to resurface all four of the lots up for rezoning.

Mr. Tourkow stated they do not intend at this time to increase the size of the building but simply to increase the parking area. He stated that ultimately they will pave all of the lots but now they intend only to pave Lot 22. Lot 21 is currently paved.

John Ensley, 6528 Georgetown Lane, a member of the VFW Post appeared before the Commission. Mr. Ensley stated that they lend this building out for benefits. He stated that at one benefit they filled up the parking lot and the people were parking along the street and some neighbors complained. He stated that they are trying to extend the parking lot in order to avoid this overflow of parking onto the street.

Delbert Rose, 4133 Bowser Avenue, Commander of Post 1006 stated that this hall is not rented, it is used for benefits for the handicapped and like organizations.

Charles W. Kressley, 1706 Southdale Avenue appeared in opposition to the rezoning. Mr. Kressley stated that his property adjoins the 3 lots that they want to rezone. He stated he sees no reason for the rezoning. He stated that they have already paved lot 21 and if they pave lot 22 he felt they would be over capacity with the State Fire Marshall in occupants of the building. He stated that he also did not want a multi-family dwelling on this property if they decide to sell.

Fred Gideon, 1613 Gardendale Drive, appeared in opposition to the request. He stated that he felt the Post was expanding too much. He stated that he felt they were in the real estate business. He stated they have bought this extra property and are renting out a structure on it for business. He stated that he felt they were losing their "exempt status" of non-profit private club.

Mr. Tourkow in rebuttal stated that lot 21 is already paved, so that they would only be paving lot 22. He stated that they are not at this time paving 23 and 24. He stated the business on Lot 23 was there when the Post purchased the lots. He stated that they intend to decrease the commercial use in the area by in time

doing away with that building. He stated that to the west of Lots 22, 23, & 24 is a row of evergreens which they maintain as a buffer.

Janet Bradbury questioned if they had considered applying for a variance to expand the parking lot until they get ready to expand the building.

Mr. Tourkow stated they did not. Mr. Tourkow stated though if the membership continues as it is that expansion would be in the near future.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

BILL NO. Z-87-10-07

hold for 2 weeks for restrictive covenant 11-24/87

REPORT OF THE COMMITTEE ON

REGULATIONS

WE, YOUR COMMITTEE ON _____ REGULATIONS _____ TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of

Fort Wayne Zoning Map No. 0-27

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)
(~~RESOLUTION~~) Do Pass

YES

suppo subject to restrictive covenant being signed & recorded

Janet G. Bradbury JANET G. BRADBURY
CHAIRPERSON

Charles B. Redd CHARLES B. REDD
VICE CHAIRMAN

Thomas C. Henry THOMAS C. HENRY

Paul M. Burns PAUL M. BURNS

BEN A. EISBART

CONCURRED IN 11-24-87

SANDRA E. KENNEDY
CITY CLERK

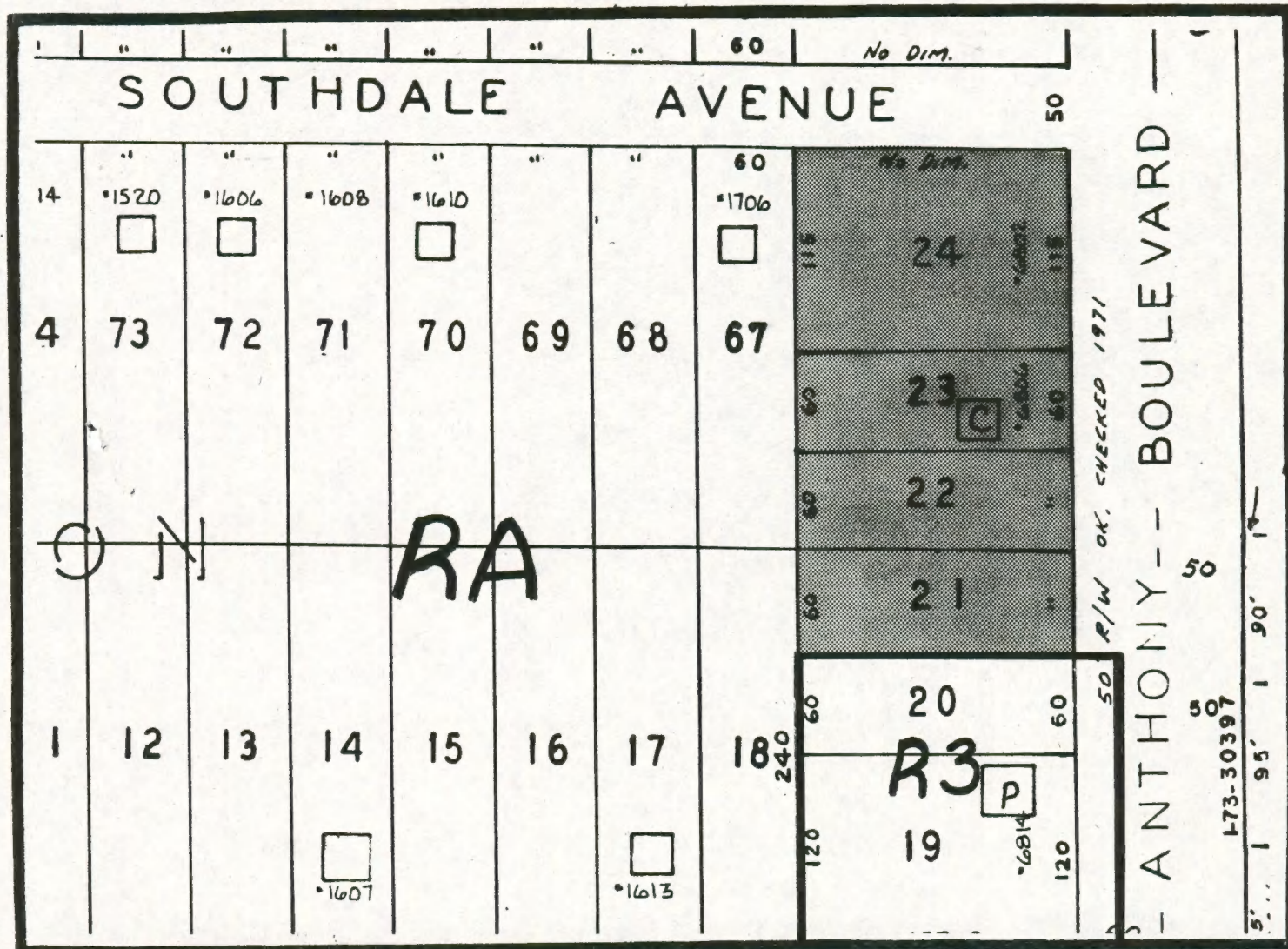
*7-0
8-1 against V.F.W.*

REZONING PETITION #302

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING
THE DESCRIBED PROPERTY FROM AN RA DISTRICT TO A R3 DISTRICT.

MAP NO. O-27

COUNCILMANIC DISTRICT NO. 5



ZONING:

LAND USE:

RA RESIDENCE 'A'
R3 RESIDENTIAL DISTRICT

- ☐ SINGLE FAMILY
- ☒ COMMERCIAL
- ☒ PUBLIC-RECREATIONAL

SCALE: 1" = 100'

DATE: 9-30-87

